IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

Crl.Rev.Pet.No. 2284 of 2003()

CRA.461/2001 of SESSIONS COURT, THRISSUR
CC.59/1999 of JUDL. MAGISTRTE
OF FIRST CLASS COURT-III, THRISSUR

.....

REVN. PETITIONER: APPELLANT/ACCUSED:

RAJAN. T.R., S/O. RAPHAEL,
THOTTAN HOUSE, PUDUKAD P.O., THRISSUR DISTRICT.

BY ADV. SRI.U.O.JOSE

RESPONDENTS: RESPONDENTS/COMPLAINANT AND STATE:

1. T.P. JOSE, S/O. PYLOTH,
THESKKEKKARA HOUSE, MRATHAKKARA P.O.,
THRISSUR DIST.

2. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY ADV. SRI.N.P.SAMUEL
BY PUBLIC PROSECUTOR SHRI SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 04/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

==========

CRL. R.P. NO. 2284 OF 2003

==========

Dated this the 4th day of January, 2007

O R D E R

When the matter came up for consideration, counsel on both sides agreed that the Criminal Revision Petition itself can be disposed. Hence Criminal Revision Petition itself is heard and disposed of as agreed to by both parties.

2. Revision petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act by the Judicial First Class Magistrate No.III, Thrissur. He was convicted and sentenced to undergo simple imprisonment for 3 months and to pay a fine of Rs.5,000/- and in default of payment of fine to undergo simple imprisonment for another 3 months. Petitioner filed Crl. Appeal No. 461 of 2001 before the Session Court, Thrissur. Learned Sessions Judge confirmed the conviction, but modified the sentence. The substantive sentence was reduced to 15 days but fine was enhanced to Rs.45,000/-. It was further ordered that in case of non-payment of fine, petitioner has to undergo simple imprisonment for 3 months. Hence this

Criminal Revision Petition.

3. It is submitted by counsel on both sides that the matter was settled between the parties out of court and they have filed Crl. M.A. No. 13244 of 2006 for compounding the offence. Today I have allowed that application. So, this Criminal Revision Petition is only to be allowed.

In the result, Criminal Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner under Section 138 of the Negotiable Instruments Act are hereby set aside. Revision petitioner is acquitted under Section 320(8) of the Criminal Procedure Code.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

==========

CRL. R.P. NO.

==========

O R D E R

4TH JANUARY, 2007